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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/823,744 03/25/97 SALESKY

J 17648-2

EXAMINER

TM02/0119

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VALUATION TO BE

ART UNIT

PAPER NUMBER

2152  
DATE MAILED:

01/19/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/823,744**

Applicant(s)  
**Salesky et al.**

Examiner  
**William. C. Vaughn, Jr.**

Group Art Unit  
**2152**



☒ Responsive to communication(s) filed on Oct 31, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 (three) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) 3-22 and 33-37 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, and 23-32 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. This Action is in response to the Reply and Amendment received 31 October 2000.
2. This application has been examined. The Examiner acknowledges Applicants election without traverse to Group I, claims 1, 2, and 23-32 and the withdrawal and cancellation of claims 17 and 34-37 from further consideration and will examine claims 1, 2, and 23-32 accordingly.
3. Examiner further notes that claim 33, which was inadvertently not include with the claims of Group II. Claim 33 which is directed to Group II, is hereby withdrawn from consideration. Applicant should formally cancel claim 33 in response to this office action.

### ***Response to Arguments***

4. Applicant's arguments and amendments filed on 31 October 2000 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained herebelow, necessitated by Applicant's substantial amendment to the claims which significantly affected the scope thereof.
5. The application has been examined. The Examiner will examine original claim 1 and newly added claims 2-38. The objections and rejections cited are as stated below:

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tung et al. (Tung), U.S. Patent No. 5,859,979 in view of Choquier et al. (Choquier), U.S. Patent No. 5,774,668.

8. Regarding **independent claims 1 and 2**, Tung discloses the invention substantially as claimed (e.g. as in exemplary **independent claim 2**). Tung discloses a conferencing system [see Tung, Abstract] comprising at least one client (Tung teaches communication between two nodes, whereas each node has the capability be the conference manager), [see Tung, Col. 1, lines 54-67 and Col. 2, lines 1-8] and a conference server (Tung teaches utilizing a conference manager that coordinates connection and data channel activities for the conference applications), [see Tung, Col. 19, lines 13-35] a network connection between the conference server and the at least one client [see Tung, Col. 18, lines 56-67, Col. 19, lines 1-67, Col. 20, lines 1-9, and Col. 26, lines 5-42] and wherein the at least one client maintains a version for a shared portion of a data set (Tung teaches that a data conferencing application uses a shared notebook, in order for the user and the other node to see the same information), [see Tung, Col. 18, lines 56-67] and wherein the conference server is capable of transmitting said shared portion of said data set to two or more clients in parallel [see Tung, Col. 19, 1-10] However, Tung does not explicitly disclose that the data set is updated at a rate dependent on the network connection speeds. It would have been

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obvious to one of ordinary skill in the networking art at the time the invention was made to have realize that the process of updating within a network can only occur as fast as the rate in which the network is able to accommodate. Also, Tung does not explicitly disclose that the update is done based upon the loads and client computing speeds and loads.

9. In the same field of endeavor, Choquier discloses in an analogous art (e.g. client-server architecture for an on-line services network). Choquier discloses updating the shared portion (Choquier teaches the updating of the transaction is done based upon the CPU load and CPU index), [see Choquier, Col. 21, lines 13-20 and Col. 24, lines 1-35]

10. **Dependent claims 3 and 23-32**, recite features which are common in the networking art and are taught within the figures of Tung-Choquier. Further with regards to the limitation of a presenter [see Tung, Conference manager] and wherein the network connections connect the presenter to the conference server [see rejection of claims 1 and 2, supra] and wherein the presenter provides the most current version of the shared portion of the data set (Choquier teaches periodically updating different service maps), [see Choquier, Abstract] and wherein the version of the shared portion of the data set maintained by each client periodically updated with data updates (periodic updates are extremely well known in the art) and wherein the data updates are created from the most current version of the shared portion of the data set provided by the presenter [see rejection of claims 1 and 2, supra] and data updates are delivered to each client at a

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rate dependent on the network connection speeds and loads and client computing speed and loads [see rejection of claims 1 and 2, *supra*].

### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on Monday through Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for this Group is (703) 305-9731 or

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(703) 9508 (for informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**OR:**

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal

Driver, Arlington, VA., Sixth Floor (Receptionist)

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*Patent Examiner*

*AU 2152*

*January 16, 2001*

MEHMET B. GECKIL  
PRIMARY EXAMINER

*Meht Geckil*